

2009 DRAFTING REQUEST

Senate Amendment (SA-AB269)

Received: **02/10/2010**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Jim Sullivan (608) 266-2512**

By/Representing: **Andrea**

This file may be shown to any legislator: **NO**

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - law enforcement**
Criminal Law - miscellaneous

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Sullivan@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Felony only if substantial bodily harm is caused

Instructions:

See attached--may contact Danou's office

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	chanaman 02/10/2010	kfollett 02/10/2010	rschluet 02/10/2010	_____	mbarman 02/10/2010	mbarman 02/10/2010	

FE Sent For:

<END>

2009 DRAFTING REQUEST

Senate Amendment (SA-AB269)

Received: 02/10/2010

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Jim Sullivan (608) 266-2512**

By/Representing: **Andrea**

This file may be shown to any legislator: **NO**

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - law enforcement**
Criminal Law - miscellaneous

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Sullivan@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Felony only if substantial bodily harm is caused

Instructions:

See attached--may contact Danou's office

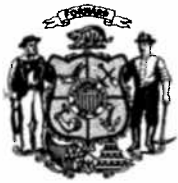
Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

/1	chanaman	1/15f 2/10		==			
----	----------	---------------	---	----	--	--	--

FE Sent For:

<END>



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa1516/1

cmH: kf

TODAY PLEASE

SENATE AMENDMENT ,
TO 2009 ASSEMBLY BILL 269

1 At the locations indicated, amend the bill, as shown by assembly substitute
2 amendment 1, as follows:

3 **1.** Page 1, line 9: after “causes” insert “substantial”. ✓

4 (END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa1516/1dn

CMH:...

lgf

Date

Andrea:

Currently, under s. 946.41 (1), any person who "knowingly resists or obstructs an officer while such officer is doing any act in an official capacity and with lawful authority, is guilty of a Class A misdemeanor." Assembly Substitute Amendment 1 increases the penalty to a Class H felony if the person causes bodily harm to an officer while violating s. 946.41 (1). This amendment limits the penalty increase so that it applies only if the person causes *substantial* bodily harm to an officer while violating s. 946.41 (1). If the person causes bodily harm while violating s. 946.61 (1), the person would be subject to the same penalty, a Class A misdemeanor, as a person who violates s. 946.41 (1) without causing bodily harm (i.e., bodily harm is not an element of the crime). In other words, the penalty increase under ASA1, as amended by your amendment, applies only if the person causes substantial bodily harm; otherwise current law applies.

Cathlene Hanaman
Legislative Attorney
Phone: (608) 267-9810
E-mail: cathlene.hanaman@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa1516/1dn
CMH:kjf:md

February 10, 2010

Andrea:

Currently, under s. 946.41 (1), any person who "knowingly resists or obstructs an officer while such officer is doing any act in an official capacity and with lawful authority, is guilty of a Class A misdemeanor." Assembly Substitute Amendment 1 increases the penalty to a Class H felony if the person causes bodily harm to an officer while violating s. 946.41 (1). This amendment limits the penalty increase so that it applies only if the person causes *substantial* bodily harm to an officer while violating s. 946.41 (1). If the person causes bodily harm while violating s. 946.41 (1), the person would be subject to the same penalty, a Class A misdemeanor, as a person who violates s. 946.41 (1) without causing bodily harm (i.e., bodily harm is not an element of the crime). In other words, the penalty increase under ASA1, as amended by your amendment, applies only if the person causes substantial bodily harm; otherwise current law applies.

Cathlene Hanaman
Legislative Attorney
Phone: (608) 267-9810
E-mail: cathlene.hanaman@legis.wisconsin.gov